

FISCAL NOTE

SB 2372 - HB 2861

February 13, 2002

SUMMARY OF BILL:

- Removes the current requirement of including a return address on an unsolicited email through which the recipient may write the sender to stop future emails, leaving only the requirement that such email contain a return email address.
- Requires an unsolicited email to contain the sender's name and address if the email consists of unsolicited advertising material for the lease, sale, rental, gift offer or other disposition of any realty, goods, services, or extension of credit.
- Provides the award of attorney's fees and costs and the election in lieu of damages applies to damages caused by unsolicited faxes as well as emails, and applies regardless of whether or not the unsolicited emails were bulk in nature.
- Authorizes the Tennessee Regulatory Authority to initiate proceedings related to unsolicited faxes and emails which could consist of proceedings to issue a cease and desist order, to issue an order imposing civil penalties up to \$2,000 for each knowing violation, and to seek any judicial relief. Each violation shall be calculated in a liberal manner to deter violations and to protect consumers.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$88,258
\$10,000 One-Time

Increase State Revenues - \$100,000

Estimate assumes:

- An increase in expenditures for the Tennessee Regulatory Authority for two positions and related expenses to enforce and hear consumer complaints.
- An increase in state revenues from money received from approximately 50 companies that could be fined in a fiscal year at the minimum of \$2,000 per violation.

It should be noted that the monies received are not dedicated to the administration of the program by the bill.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

SB 2372 - HB 2861